

AGREEMENT BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN
REGARDING COOPERATION AND MUTUAL ASSISTANCE
BETWEEN THEIR CUSTOMS SERVICES

The Government of the United States of America and the
Government of the Republic of Kazakhstan,

CONSIDERING that offenses against Customs laws are
prejudicial to the economic, fiscal and commercial interests of
their respective countries,

CONSIDERING the importance of assuring the accurate
assessment of Customs duties and other taxes,

CONVINCED that action against Customs offenses can be made
more effective by cooperation between their Customs Services,

HAVE AGREED as follows:

ARTICLE 1

DEFINITIONS

For the purposes of the present Agreement,

importation, exportation, and transit of goods, as related to Customs duties and other taxes, or to prohibitions, restrictions and other similar controls respecting the movement of goods across national boundaries.

2. "Customs Services" shall mean, in the United States of America, the United States Customs Service, Department of the Treasury, and, in the Republic of Kazakhstan, the General Customs Administration.

3. "Offense" shall mean any violation of the Customs laws and regulations as well as any attempted violation of such laws and regulations.

ARTICLE 2

SCOPE OF ASSISTANCE

1. The Parties agree to assist each other in preventing, investigating, and repressing any offense within the competence of their respective Customs Services, in accordance with the provisions of the present Agreement.

2. Assistance as provided in this Agreement shall, upon request, also include all information apt to ensure the accurate assessment of Customs duties and other taxes by their respective Customs Services.

3. Assistance as provided in paragraphs 1 and 2 shall be provided for use in all proceedings within the competence of their respective Customs Services, whether judicial, administrative, or investigative. Such assistance shall include, but not be limited to, proceedings on classification, value, fines, penalties, forfeitures and other characteristics relevant to the enforcement of the Customs laws and regulations.

4. The Parties agree to provide each other the widest range of assistance possible in the area of technical

cooperation in Customs matters. Such assistance may include, but not be limited to:

- a) training and assistance in developing specialized skills for Customs personnel;
- b) exchange of information and experience in the use of technical interdiction and detection equipment;
- c) exchange of experts knowledgeable in the field of Customs problems, interdiction and detection practices;
- d) exchange of professional, scientific, and technical data dealing with Customs laws, regulations, and procedures; and
- e) any other technical cooperation that the Parties may deem appropriate.

5. This Agreement is intended to enhance and supplement mutual assistance practices presently in effect between the Parties. All assistance under the present Agreement by either Party will be performed in accordance with its domestic laws and regulations.

ARTICLE 3

OBLIGATION TO OBSERVE CONFIDENTIALITY

1. Information, documents, and other communications received in the course of mutual assistance may only be used for the purposes specified in the present Agreement, including the use in judicial or administrative proceedings. Such information, documents, and other communications may be used for other purposes only when the supplying Party has given its express consent.

2. Inquiries, information, documents, and other communications received by either Party shall, upon request of the supplying Party, be treated as confidential. The reasons for such a request shall be stated.

3. Any intelligence, documents, or other information communicated or obtained under this Agreement shall be afforded in the receiving country the same protection in respect of confidentiality and official secrecy as applies in that country

to the same kind of intelligence, documents, and other information obtained in its own territory.

ARTICLE 4

EXEMPTIONS FROM ASSISTANCE

In cases where the requested Party is of the opinion that compliance with a request would infringe upon its sovereignty, security, public policy, or other substantive national interest, assistance can be refused or compliance may be made subject to the satisfaction of certain conditions or requirements.

ARTICLE 5

FORM AND SUBSTANCE OF REQUESTS FOR ASSISTANCE

1. Requests pursuant to the present Agreement shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. When required because of the exigency of the situation, oral requests may also be accepted but shall be confirmed in writing as soon as possible.

2. Requests pursuant to paragraph 1 of this article shall include the following information:

- a) the authority making the request;
- b) the nature of the proceedings;
- c) the object of and the reason for the request;
- d) the names and addresses of the parties concerned in the proceedings, if known; and
- e) a brief description of the matter under consideration and the legal elements involved.

ARTICLE 6

CHANNEL

1. Assistance shall be carried out by direct communication between officials designated by the heads of the respective Customs Services.

2. In case the Customs Service of the requested Party is not the appropriate agency to comply with a request, it shall transmit the request to the appropriate agency.

ARTICLE 7

EXECUTION OF REQUESTS

1. The requested Customs Service shall endeavor to seek any official measures necessary to carry out the request.

2. The Customs Service of either Party may, upon request, conduct on behalf of the requesting Party any necessary investigation or gather information within its competence, including the questioning of experts, witnesses and persons suspected of having committed an offense against the Customs laws and regulations.

3. The Customs Service of either Party may, upon the request of the other Party, undertake verification, inspection and fact-finding inquiries in connection with matters within the competence of their Customs Service and referred to in the present Agreement.

4. Upon request, the requested Party may permit officials of the requesting Party to be present in its territory to serve as a liaison and, if appropriate, provide any information or assistance with regard to the request for assistance.

5. A request by a Party that a certain procedure be followed shall be complied with, subject to the laws of the requested Party.

6. The requesting Party shall, upon request, be advised of the time and place of the action to be taken in response to the request, so that such action may be coordinated.

7. In the event that the request cannot be complied with, the requesting Party shall be promptly notified of that fact, with a statement of the reasons for the refusal.

8. The execution of any request for assistance pursuant to this article, shall be subject to the laws and regulations

ARTICLE 8

FILES, DOCUMENTS AND WITNESSES

1. Originals of files, documents and other materials shall be requested only in cases where copies would be insufficient. Upon specific request, copies of such original files, documents and other materials shall be appropriately authenticated.

2. Originals of files, documents, and other materials which have been transmitted shall be returned at the earliest opportunity; rights of the requested Party or of third parties relating thereto shall remain unaffected.

3. The Customs Service of one Party shall authorize its employees, upon the request of the Customs Service of the other Party, to appear as witnesses in judicial or administrative proceedings in the territory of the other Party and to produce such files, documents or other materials or authenticated copies thereof, as may be considered essential for the proceedings.

4. With the agreement of the requested Party, authorization may be given for officials specially designated by the requesting Party to consult, in the offices of the requested Party, the relevant books, registers and other documents or data media held in those offices, take copies thereof, or extract any information or particulars relating to the offense.

ARTICLE 9

COSTS

1. The Parties shall waive all claims for reimbursement of costs incurred in the execution of the present Agreement, with the exception of expenses for witnesses, fees of experts, and costs of interpreters other than government employees.

2. Transportation costs and expenses for witnesses, experts, and interpreters shall be borne by the requesting Party.

ARTICLE 11

IMPLEMENTATION OF THE AGREEMENT

The Customs Service, Department of the Treasury of the United States of America and the General Customs Administration of the Republic of Kazakhstan, may communicate directly for the purpose of dealing with matters arising out of the present Agreement, and, after consultation, shall issue administrative directives for the implementation of the present Agreement, and shall endeavor by mutual accord to resolve problems or doubts arising from the interpretation or application of the Agreement.

ARTICLE 12

ENTRY INTO FORCE AND TERMINATION

1. This Agreement shall enter into force on the ninetieth day following the date on which the Parties notify one another by an exchange of diplomatic notes that they have accepted its terms, and that all necessary national legal requirements for entry into force have been fulfilled.

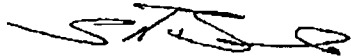
2. The Parties agree to meet in order to review this Agreement at the end of five years counted from the date of its entry into force, unless they notify one another in writing that no review is necessary.

3. This Agreement may be terminated by written notice through diplomatic channels and shall cease to be in force six months after such notice has been given.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed this Agreement.

DONE at Washington, this eighteenth day of November, 1997, in duplicate, in the English and Kazakh languages, each text being equally authentic. In case of divergence, the English language text shall prevail.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF THE
REPUBLIC OF KAZAKHSTAN:

